

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:) CASE NO: 10-54226-659 Chapter 13
SHAWN P BROWN)
) Trustee's Objection to Confirmation
)
) Original confirmation hearing
Debtor(s)) set for Mar 03, 2011 11:00 AM

TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN

COMES NOW John V. LaBarge, Jr., Standing Chapter 13 Trustee, and for his objection to confirmation states as follows:

1. Proposed plan payment does not constitute debtor's best effort to repay creditors. 11 U.S.C. Secs. 1325(a)(3) & (b)(1)(B)
2. The plan unfairly discriminates among classes of unsecured claims. 11 U.S.C. Sec. 1322(b)(1)
3. The plan does not provide sufficient funds to pay all creditors entitled to full payment, including fair market value of secured claims and priority debts. 11 USC Secs. 1322(a)(2) & 1325(a)(5)(B)(ii)
4. The plan provides for interest to secured creditors at a rate other than that determined by the Clerk under Local Rule 3015-3(E).
5. The set monthly payments to be made by the Trustee exceed the plan payment.
6. The plan is ambiguous or incapable of ascertainment (11 U.S.C. Secs. 1321 & 1325(a)(3)) because:
PLAN FAILS TO ADDRESS POST PETITION PAYMENTS ON MORTGAGES
AND CONTAINS INSUFFICIENT FUNDS TO PAY THESE DEBTS IN
FULL. IF DEBTOR INTENDS TO SURRENDER RESIDENCE, PLAN MUST
SO INDICATE.
7. A.RE #2, SCHEDULE E IMPROPERLY INCLUDES STUDENT LOAN, WHICH
IS UNSECURED DEBT.
B.RE #1 PER TRUSTEE B22C, ENCLOSED WITH HARD COPY OF
OBJECTION, PLAN MUST GUARANTEE \$66,012

WHEREFORE the Trustee prays the Court enter its order denying confirmation of the proposed plan.

/s/ John V. LaBarge, Jr.

KLW-351

Copy served on the following either
through the Court's ECF system or by
ordinary mail on February 24, 2011 :

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Chapter 13 Trustee

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